

they are building out. However, commuter railroads and Amtrak need AMTS spectrum because there is not enough interoperable spectrum available. Only MCLM's A Block AMTS spectrum is compatible with most of the freight railroad systems in operation; the B Block spectrum held by Havens and by Paging Systems, Inc. is below the range of PTC radios in most systems.²

As the Commission's January 1, 2013 deadline approaches for narrowband conversion of all nearly all Part 90 Industrial/Business two-way radio systems, many licensees which have deteriorating, fully-amortized equipment are finding that their old equipment cannot be modified to narrowband operation which will comply with the Commission's 12.5 kHz bandwidth rules. These critical infrastructure entities, such as MCLM customer Puget Sound Energy, are finding that acquiring exclusive spectrum from MCLM and replacing their old systems with new AMTS equipment meets the Commission's requirements. Not only does the user obtain the best in new equipment (which it must buy, anyway) but it obtains exclusive use spectrum and need not be concerned with other persons sharing the channels.

MCLM is serving the public interest by meeting critical needs for spectrum and innovating technology. Those critical needs include Positive Train Control, Smart Grid, Radio over IP interoperability, and allowing users to narrowband their systems.

² Interoperability is necessary because freight railroads interchange with and lend locomotives and cars to one another, and passenger railroads share track with freight roads.

The Commission Should Take Tough Measures Against Havens' Abuse

On July 22, 2011, the Commission released its Third Order on Reconsideration in the matter of Warren C. Havens' Applications to Provide Automated Maritime Telecommunications System Stations at Various Locations in Texas and Applications to Provide Automated Maritime Telecommunication System Stations at Chaffed, Aspen, Colorado Springs, Copper Mountain, and Leadville, Colorado, _____ FCC Rcd _____ (2011) (FCC 11-116) (the Havens TRO). In the Havens TRO, the Commission concluded that

Havens has abused the Commission's processes in the proceeding and, accordingly, we propose that we should prohibit Havens (or any person or entity acting on behalf of Havens) from filing any further pleadings with respect to the license applications at issue without the prior approval of the Wireless Telecommunications Bureau,

TRO at para. 1. Havens could not wait even 24 hours without again abusing the Commission's processes in the instant matter.

On July 22, 2011, the Wireless Telecommunications Bureau (WTB) granted MCLM an extension of time to file the instant Opposition. Not satisfied with exhausting the Commission's patience in the TRO matter, immediately upon learning of the grant, Havens filed, on an *ex parte* basis, a pleading, titled in ULS, "Comments on MCLM motion and its grant." (Havens Comments) The Commission's Rules do not provide for the filing of a reply to an opposition to a petition to deny a motion or for the filing of a petition for reconsideration of the grant of an interlocutory motion such as a motion for extension of time.³ Havens neither

³ Havens appears to be incapable of accepting for himself the position which, on the next business day after he filed his Comments, he stated at page 5 of his Opposition to Request for Expedited Action in EB Docket No. 11-71 (Opposition). Havens recognized in his Opposition that "a continuing barrage of repetitive pleadings. . . does nothing to further [a

filed a motion to accept his unauthorized Comments nor attached a certificate of service to them. In his Comments Havens scandalized not only MCLM by alleging the commission of multiple crimes but, by citing Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), Havens accused unknown named agents of the FCC with depriving him of unspecified civil rights.⁴ Further, Havens spewed forth speculations of conspiracy to hide evidence with absolutely no facts to support his wild claims. The Commission should recognize that, if not constrained, Havens will attempt to make the same mess of the instant proceeding that he made of the matter which resulted in the TRO. The Commission should immediately issue an order in the instant matter, similar to the TRO, requiring Havens to obtain consent before filing any pleading beyond the standard reply.

party's] case, particularly given that the [party has] nothing substantive to add to what they have already submitted." Havens did not explain why the principle does not apply to himself.

⁴ Havens also threatened a Bivins action against unknown named agents of the FCC for unspecified acts at page 21 of his contemporaneously filed Reply to Opposition to Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request in the matter of Paging Systems, Inc., FCC File Nos. 0004732667 and 0004744089, filed July 20, 2011.

Conclusion

For all the foregoing reasons, the Commission should dismiss or deny Havens' Petition, grant the routine renewal of the license for station WRV374, and take tough measures to contain Havens to avoid the creation of years of chaos in the instant matter.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8124 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: August 8, 2011

DECLARATION

I am an authorized employee and Chief of Engineering for Maritime Communications/Land Mobile, LLC. I was also Chief of Engineering for Mobex Network Services, LLC. I declare under penalty of perjury that the foregoing is true and correct.
Executed on

August 8, 2011.


Tim Smith

CERTIFICATE OF SERVICE

I hereby certify that on this eighth day of August, 2011, I served a copy of the foregoing Opposition to the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request on the following persons by placing a copy in the United States Mail, first-class postage prepaid:

Warren C. Havens, President
Environmental LLC
Verde Systems, LLC
Intelligent Transportation & Monitoring Wireless LLC
Telesaurus Holdings GB LLC
V2G LLC
Skybridge Spectrum Foundation
2509 Stuart Street
Berkeley, California 94705

/s/ Dennis C. Brown

EXHIBIT 1

DECLARATION

I, David Predmore, state and declare as follows:

1. I am an honorably discharged former member of the US Navy; and a graduate of Georgetown University Law School, where I received my Juris Doctor degree in 2001.
2. I served for six years as Law Clerk, Associate Counsel, General Counsel, and finally Chief Administrative Officer, of Mobex Communications, Inc. ("MComm") and its related subsidiaries, including AMTS licensee Mobex Network Services, LLC ("Mobex"). My service began in 2000 and ended with the dissolution of the companies after substantially all assets were sold in 2006.
3. During 2005, Mobex entered into an asset purchase agreement with Maritime Communications/Land Mobile, LLC ("MCLM"). The FCC approved that sale in November 2005 and the transaction closed on December 30, 2005. I remained with Mobex for the first several months of 2006 in order to wind up its affairs, including paying creditors and others from the sale proceeds, dissolving the legal entities, etc.
4. In March 2006, I began employment for the National Rural Electric Cooperative Association as an attorney in its Arlington, VA headquarters.
5. After the sale of its assets, Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia. After the company was wound up and dissolved, there was no corporate entity to pay the monthly storage fees, and Nation's Capital Archives informed me it would destroy the company records, including copies of site leases, equipment inventory, etc.
6. During my tenure at Mobex, the company paid approximately \$75,000 each month in site rental costs for the incumbent license sites, which include the East Coast license, WRV374.
7. Mobex was a professional, well-run organization, with a minority investment from Nextel, and a Board consisting of active, engaged members. MComm, the parent company, had over 100 shareholders, all separate and entirely apart from MCLM. Mobex had purchased WRV374 in the year 2000, as part of its acquisition of the Membership Interests of Regionet Wireless License Company, LLC ("Regionet") from the owners Paul vander Heyden and Fred Daniels. In 2002, Mobex was formed by the merger of wholly-owned subsidiaries of MComm known as Regionet and Waterway Communications, Inc. ("Watercom").
8. John Reardon served as President and CEO of MComm, and its subsidiaries, including Mobex, from January 2001 through December 31, 2005. Once the sale was completed at the end of December 2005, MComm made its final payroll to Mr. Reardon and he began employment on January 1, 2006 with MCLM, LLC, the buyer of Mobex's AMTS licenses.
9. Throughout the period of 2005, Mr. Reardon assisted Mobex with the sale of its assets, including the AMTS sale to MCLM. He remained at all times a


MComm employee, and at the MComm Board's direction, he assisted MCLM officials with any due diligence items or similar customary transition assistance. He also assisted MCLM, with MComm Board approval, in the August 2005 auction of white space licenses. The MComm Board determined it to be in Mobex's best interest for MCLM to acquire white space licenses, so that MCLM would remain interested in consummating the purchase of Mobex's incumbent licenses in the AMTS band.

10. The incumbent operations of Mobex were completely constructed, using a mixture of LTR format equipment on the East Coast and Great Lakes, Watercom waterway equipment in the Mississippi River areas, and MPT 1327 equipment on the West Coast.
11. Mobex entered an agreement with Motorola in the 2002 timeframe to transition four markets from LTR format to Motorola's new PassPort radio format, using the Trident NTS digital controller and an analog air interface. Those four markets were: Chicago, New York, Philadelphia, and Washington, DC/Baltimore.
12. Mobex had a dedicated PassPort sales team, and deployed dealer networks in the other LTR format markets. Much of Mobex's sales success resulted from its Watercom operation, since cellular was increasingly popular and two way radio PassPort systems were cumbersome and relatively more expensive than Nextel's iDEN digital phones, for example.
13. When Mobex sold its AMTS licenses to MCLM, MCLM assumed the leases from Mobex. Mobex paid those leases for third party site rents current through the sales date, i.e December 31, 2005.
14. Mobex entered a management agreement with Central Communications Network, Inc. ("CCN") whereby the LTR equipment in place in Orlando and Tampa/St. Petersburg/Clearwater markets was replaced at CCN's expense with Motorola PassPort systems. That PassPort system was a 14 site system, stretching from Tampa Bay across central Florida to the Atlantic Coast.
15. Mobex entered a lease agreement with Pinnacle Wireless to lease channels to Pinnacle for construction of a Motorola PassPort system covering almost all of New Jersey; this system is still used today by the New Jersey Turnpike and Garden State Parkway public safety officials and road crews. Again, the LTR format systems in place were replaced with the more modern PassPort format.
16. Prior to its sale to MCLM, Warren Havens continually opposed Mobex for several years; he claimed that Mobex had not constructed licenses, Mobex lacked character, etc, . In 2004, Mobex attempted to sell its licenses to Clarity Partners, a major venture capital fund that sought to invest \$25 Million into deployment of PassPort systems on the Mobex spectrum. The FCC approved the sale in December 2004. However, because of Havens' opposition to this transaction, the FCC did not approve the sale for over ten months, by which time Clarity Partners had moved on to other projects, and so that transaction was lost, along with the opportunity to build a very large, near nationwide network in 2004.

17. Similarly, when Mobex filed its assignment application to MCLM around June 2005, Mr. Havens made the same complaints about non-construction by Mobex, lack of character, etc. The FCC again rejected Havens' complaints, finding that in fact Mobex was operating and had timely built its systems, and that this issue had been determined previously.
18. It is beyond question that WRV374 was timely built by Mobex's subsidiary Regionet and operated properly by Mobex during its ownership of the licenses. This view is, I believe, validated by the fact that Nextel was a part owner, and Nextel was a very professional organization. In addition, Mr. Reardon and I regularly reported to the Board on our revenues and our cash needs to continue to operate the incumbent sites around the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2011.



David Predmore

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	

RESPONSE TO INTERROGATORIES

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby respectfully tenders these responses to the *Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations*.

RESPONSE TO INTERROGATORIES

I. Identify by (a) call sign, (b) location, (c) date of grant, and (d) date of expiration, each site-based authorization of which Maritime is currently the licensee or is listed in the FCC's Universal Licensing System as the licensee, including, but not limited to, each site-based authorization that Maritime acquired from Mobex.

Table 1.1 appended hereto is a list of the current authorizations held by Maritime Communications/Land Mobile, LLC (“Maritime”), showing the expiration date for each call sign and, where such can be readily determined, the original date of grant. For many

of these licenses the original grant date cannot be readily determined from official records or other data.

The first column in this table is a number that corresponds to the number of the authorization as listed in Appendix A to the hearing designation order in this case. The stations were licensed before conversion to the Uniform Licensing System (“ULS”) and the original grant data does not seem to be reflected online. Additional information may be contained in various site files currently being reproduced in connection with the outstanding document production request. Maritime will review these documents when they are retrieved and will supplement this response if any such identifying data is discovered. Some information responsive to this request is found in Table No. 2, discussed in the response to Interrogatory No. 2, below.

2. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was completed, identifying the date(s) when (a) construction of the Station commenced and (b) construction was completed.*

Table 2 appended hereto is a listing by call sign and location number for each of the stations listed in Table 1. To the extent Maritime has been able to determine it, this table also gives the construction deadline and completion dates. As stated in response to Interrogatory No. 1, however, much of this information is quite old and not readily available. The vast majority of these stations were authorized and constructed long before (many of them ten or fifteen years before) Mobex Network Services, LLC (“Mobex”) acquired them from Regionet Wireless License, LLC (“Regionet”) and Waterway Communication System, LLC (“Watercom”) in 2000. All of them were granted and constructed long before Maritime acquired them from Mobex in 2005. As shown in the table, moreover, many of these stations have been through multiple renewal terms. Nevertheless, where specific information is available, it has been included in the table.

Maritime lacks sufficient data to determine the date construction was “commenced” on each of these facilities. In general, however, physical construction itself (exclusive of site lease negotiations and related preparatory work) takes about two weeks in most cases. On information and belief, construction of each of the listed facilities was completed within the applicable construction deadline, even where the exact dates are unknown. In any event, construction of all of these facilities was complete many years, and in many cases a decade or more, prior to Maritime’s acquisition of the licenses, and by entities other than and unrelated to Maritime.

Maritime has tried to be as responsive as available data allows. As the licensing authority, the Commission may have access in its paper files to additional information on original grant dates beyond what is routinely available to public inspection.

3. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was commenced but*

never completed. As to each such authorization (a) specify the date when construction of the Station commenced; (b) specify the date when construction of the Station ceased; and (c) explain fully why construction of the Station was never completed.

None.

4. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was never commenced, and explain fully why construction was never commenced.*

None.

5. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was placed in operation and specify the date when the station was placed in operation.*

Each facility was placed into operation on the date construction was completed.

6. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed but never placed in operation, and explain why a Station was never placed in operation.*

None.

7. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed, but equipment or components were subsequently removed from that Station.*

No equipment has been removed from any site with the intention of permanently discontinuing operations. See the response to Interrogatory No. 14, below. As explained there and elsewhere, Maritime's active service of customers may have curtailed and payment of site leases and utilities fell into arrears, but even then equipment was not removed by Maritime. In many cases when Maritime later renegotiated leases and returned to reactivate the sites, it was found that the equipment had been left in place by the tower owner. Maritime may have, from time to time, temporarily removed equipment from a particular site, but this would have been for some specific purpose, and not an indication of permanent abandonment.

8. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station for which Maritime has end user customers who are actually paying for and using AMTS services.*

Maritime leases spectrum in New Jersey to Pinnacle Wireless for use by the New Jersey Turnpike, Garden State Parkway, and the Meadowlands (Giants Stadium, etc) complex. All sites in New Jersey are impacted by this lease.

Maritime leases spectrum in southern Washington State to Evergreen School District.

Maritime leases spectrum in several markets to Spectrum Tracking Systems, including Los Angeles, Dallas, Houston, Birmingham, and Little Rock. These sites are impacted.

Maritime leases spectrum to Central Communications Network in Orlando. The Tampa, Orlando and central Florida sites are impacted by this lease. CCN is in default and Maritime has a judgment against CCN for \$900K in damages. Maritime has not cancelled this lease, is pursuing collection of the judgment, and intends to reactivate operations pursuant to this license in the future.

Maritime has several leases in place around the nation with its purchasers under the Asset Purchase Agreements pending before the FCC. Maritime gets paid an annual fee for use of these licenses. Users have built systems or are in the process of building them, and are using MCLM spectrum for two-way radio communications, Smart Grid, and Positive Train Control, among other uses.

Such paying customers include: (1) Duquesne Power and Light in; (2) EnCana Oil and Gas in Louisiana and Texas; (3) Enbridge in Texas and Louisiana; (4) DCP Midstream in Louisiana; (5) Dixie Electric in seven parishes in Louisiana; (6) Questar Market Resources in Oklahoma; (7) Puget Sound Energy in Washington State; (8) Alliant Energy in Wisconsin, Iowa and Illinois; (9) Shenandoah Electric in Virginia; (10) Rappahannock Electric in Virginia; (11) CoServ in Dallas/Ft. Worth, Texas; and (12) Jackson County Rural Electric in Indiana.

In addition, Maritime within the past year received payment and leased spectrum for testing purposes to several users, including Progress Energy in North and South Carolina, Central Virginia Electric Cooperative in central Virginia, and others whom Maritime prefers not to disclose to our competitor Warren Havens at this time, for obvious reasons of not wanting to lose future business.

9. *Pursuant to Sections 20.9(a)(5) and 20.3 of the Rules, as well as Request for Review by Waterway Communication System, LLC and Mobex Network Services, LLC of a Decision of the Universal Service Administrator, Order, 23 FCC Rcd 12836, ¶ 4 (WCB 2008), of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station that is interconnected, as that term is defined in Section 20.3 of the Rules.*

None of the stations is currently interconnected; the previous requirement to provide interconnect capability no longer exists under FCC rules.

10. *Of the authorizations identified in response to Interrogatory No. 9, above, explain how interconnection is accomplished.*

None of the stations is currently interconnected, but please see the response to Interrogatory No. 11, below.

11. *Of the authorizations identified in response to Interrogatory No. 10, above, identify any period of time for which any Station was not interconnected.*

For the stations previously licensed to Watercom (those with call signs beginning "WHG") there were multiple telephone lines into a modem and switch as teach transmitter site. Each mobile unit on a vessel had an 812 (area code for southern Indiana) number assigned to it, and each base station also had an "overdial" 812 number assigned to it. There was a control site at Jeffersonville, Indiana. A call from the PSTN to a ship's 812 phone number was routed to the base station closest to the location of the ship being called. Alternatively, if the location of the ship was known, the caller could call the appropriate over-dial number and then enter a code for the particular mobile unit. Calls originated from the ship were routed by the closest base station to the PSTN.

The other stations all used interconnection arrangements more typical of land-mobile systems. The Regionet stations on the West Coast used the MPT-1327 protocol. The "Passport" system was implemented in New York City, Philadelphia, Baltimore, and Chicago. The remaining systems used the LTR format. These stations were all capable of providing interconnected service, but it was not actively marketed. Maritime found that the majority of its two-way mobile radio users did not want to pay additional for interconnect. Now, with its data customers in the Smart Grid and PTC environments, voice calls are outdated. Data communications are the primary driver of growth, and these machine to machine communications do not need voice interconnection to the PSTN. That is a thing of the past.

In 2007, Maritime was advised by regulatory counsel that interconnection was no longer required.

12. *Identify each Station that was placed in operation more than two years after grant of the authorization for the Station and for each such Station, explain why the Station was placed in operation more than two years after grant of the authorization for the Station.*

Except as stated in the following paragraph, none.

The initial construction deadline for Location Nos. 5 and 6 of Station WHV843 was November 9, 2002. Construction of these facilities was completed on or before that date, but at different locations. The initially authorized sites were unavailable due to circumstances beyond the control of Mobex, then the licensee. Mobex timely filed

applications for extension of time to construct, for modification to relocate these facilities, and for an STA pending final action on the modification application. Construction was completed on or before November 8, 2002, pursuant to an STA granted by the Commission. See FCC File Nos. 0001060314, 0001085521 & 0001293111.

13. *As to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently operating. As to each such authorization, state whether the Station has been in continuous operation and, if not, explain why not.*

Maritime will require slightly more time to provide a full response to this interrogatory. The process of compiling this information has been delayed somewhat by unavailability of files that are at the printer being scanned in connection with document production. Within two days, Maritime will provide a tentative listing the status of each site, subject to being verified once it has access to files. Except as may be further stated in such supplemental response, as to the reason for any hiatus in continuous operation, see the response to Interrogatory No. 14, below.

14. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station has ever discontinued operating for any reason for a continuous period of one year or more. As to each such authorization, (a) specify the date(s) when the Station discontinued operating and, if applicable, when it resumed operating; and (b) explain fully why the Station discontinued operating for a period of one year or more.*

First, Maritime does not concede that the time period of one year has any specific relevance. Second, for the reasons stated in the preceding response, Maritime may obtain additional information responsive to this interrogatory and, if so, will supplement this answer accordingly.

Maritime has never intentionally and voluntarily abandoned any of its stations nor has it ever had the intention to permanently discontinue operations of any of its facilities. Due to various circumstances beyond Maritime's control, however, operations at some of the stations were temporarily suspended for short periods of time due to such things as lack of sufficient revenue, inability to maintain rent and utility expenses, etc. Maritime in Chapter 11, and it has continuously worked to maintain its authorizations and restore services, and has in many instances succeeded, under extremely difficult circumstances, in negotiating spectrum use agreements for use of the spectrum. In cases where this was done, Maritime reestablished any dormant operations, brought any leases current, and verified the operational status of the underlying licensed facilities. The market for AMTS services also changed dramatically, the demand for service to marine vessels being supplanted by cellular and broadband data services. Taking advantage of FCC rule changes allowing other uses of AMTS spectrum, Maritime therefore shifted its focus toward more efficient and in-demand services, such as Positive Train Control and Smart Grid applications, as well as Motorola's PassPort digitally switched systems rather than

analog LTR and MPT-1327 systems. Finally, with the shift to geographic licensing of the AMTS spectrum, Maritime was reassessing the site-by-site paradigm of the incumbent systems, evaluating how to incorporate them into a more wide area, regional system. In this process, it is likely that some stations have been inactive for continuous periods of more than one year, but in no case is there now or has there ever been any intention to permanently discontinue operations.

In fact, Maritime pursued an aggressive policy of re-purposing this spectrum from the beginning of its ownership. In March 2006, Maritime purchased majority control of software and hardware provider Critical RF, Inc. Maritime spent more than \$1 Million over the past five years developing this technology to permit interoperability between and among two way radios using the AMTS spectrum, for example, and other spectrum bands, such as 800 MHz and 900 MHz.

Maritime developed the Critical RF “iWalkie” app for smartphones, which allows users of iPhone, BlackBerry and Windows Mobile phones to push to talk and have a two way conversation between their devices and AMTS radio systems equipped with the iWalkie compatible equipment and software at their base stations.

This revolutionary technology, we believe, will help to replace the need for the 700 MHz band public safety network. It will allow all radios to converse, regardless of what spectrum they operate on, simply by using the Critical RF software and hardware to patch them together. Equally as important it allows smartphones and two-way radio users to interoperate, so that the police chief with his BlackBerry, for example, can talk on the radio with his policeman at the scene of an emergency.

MCLM, through its ownership of Critical RF, has filed for several patents which remain pending. MCLM hoped to build a near nationwide network for emergency response, tying its spectrum together with the iWalkie technology. Havens has produced a copy of MCLM’s draft business plan from March 2006 outlining this proposal. However, the flood of litigation from Havens made it impossible for MCLM to attract an investor to build this interoperable system and to lead this effort.

Next, MCLM hired several consultants, including Lamar Bishop, Mark Bracken, and Terry Holmes. These consultants assisted MCLM with investigating re-purposing spectrum for new and better uses. In 2006 and 2007, XM Satellite was a prime contender, they needed spectrum and the AMTS band is great for backhaul. However, after many meetings and much work, XM was approached by Sirius Satellite, and that merger negated their need for terrestrial wireless spectrum from MCLM.

Next, MCLM investigate the digital billboard industry. Lamar Bishop met with the leaders of the industry, including Clear Channel, CBS Outdoor and Lamar Outdoor Advertising. It was determined that the cost of data paid by the advertisers to Sprint for its data plan was much lower than MCLM could offer.

Then, MCLM hired Mark Bracken, a former US Coast Guard member, to investigate use of AMTS channels for enhanced AIS, known as AIS-B. MCLM met many times with

Shine Micro, the leading maker of this technology, in Washington State. MCLM attended several conferences and discussed this at length with Coast Guard and other decision-makers. The result was a determination that the channels were not allocated internationally for AIS so that the AMTS band was not suitable.

At the same time, the AMTS spectrum was being used for new Passport systems with the digital NTS switch across the state of New Jersey and throughout central Florida. CCN for example has a 14 site network spanning hundreds of miles from Tampa on the West Coast through Orlando to Melbourne on the East Coast.

Maritime worked with several equipment makers, including Motorola, TAIT, General Electric and CalAmp. The result is the plethora of technology available in the AMTS band today.

In mid-2008 Maritime realized that there was not sufficient interest in the investor community to build its own new technology system to replace the antiquated analog AMTS and maritime towboat service. So, MCLM focused on end users that need their own spectrum: the rails, utilities and other critical infrastructure users. MCLM interviewed numerous brokers of spectrum, and hired Spectrum Bridge in September 2008. MCLM also retained NRTC to broker to the rural electric membership base.

MCLM has never abandoned the spectrum it owns. To the contrary, it has done far more than Warren Havens or most other licensees to actually investigate and deploy new technologies. Today, the MCLM spectrum is being used for PassPort by law enforcement and highway personnel, Smart Grid by utility workers around the nation, using GE MDS and CalAmp equipment systems, by oil and gas pipeline operators for machine controls and backhaul, and by railroad engineers in Southern California to test PTC systems we hope to build there and elsewhere.

In sum, the spectrum has never been abandoned, every market has been developed and/or marketed by MCLM, Spectrum Bridge and NRTC. Unlike licensees such as Warren Havens, we do not just say we are developing new technology, we partner with users who actually implement new technology.

15. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently off the air and not operating. As to each such authorization, explain why and for how long it has been off the air and not operating.

See the response to Interrogatory Nos. 13 and 14 above. A supplemental response will be served within two days.

16. With respect to each authorization identified in response to Interrogatory No. 1, above, describe the coverage area provided by any Station that was constructed.

The coverage area for each station is the predicted 39 dBμ contour calculated in accordance with the Commission's applicable standards for this service.

17. *Describe the basis for Maritime's contention in its June 30, 2011 Responses to the Bureau's Requests for Admission at Request Nos. 122, 126, 142, 146, 150, 154, 158, 162, 166, 169, and 173 that the discontinuance of operations of any facility for a site-based authorization licensed to Maritime, including but not limited to any site-based authorization that Maritime acquired from Mobex, is not permanent.*

See the response to Interrogatory No. 14, above.

18. *Identify all persons who, on behalf of Maritime, were involved in the following in any manner, at any time, and to any extent whatsoever:*

- a. constructing any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- b. placing in operation any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- c. operating or maintaining any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- d. discontinuing operations of any Station associated with any authorization identified in response to Interrogatory No. 1, above; and/or*
- e. entering into any contracts, agreements, arrangements or understanding related to the purchase or lease of equipment and/or of real estate and/or the hiring of personnel involved in the construction and/or placing into operation of any Station associated with any authorization identified in response to Interrogatory No. 1, above.*

Current MCLM personnel: John Reardon and Robert T. Smith

Former Regionet principals and/or personnel: Fred Daniel (formerly Orion Telecom), Paul vander Heyden, and Gordon Day (Day Wireless)

Former Watercom principals and/or personnel: Dwayne Kinard, David Poe, and John Smith

Former Mobex principals and/or personnel: John Reardon, Robert T. Smith, Paul vander Heyden, Will Greene, Nancy Krajcar, Scott Preson, and David Predmore.

Motorola personnel: Ken Notter and John Jaderholm

Many current customers/lessees, including Mike Hayford and Chris Love of Pinnacle Wireless.

Maritime is still attempting to determine and verify contact information for each of these individuals and will supplement this answer within no more than two days to supply the results of these efforts.

19. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment approved by the FCC.*

FCC-approved equipment was used at all sites.

20. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed in accordance with the requirements of the relevant license, including geographic coordinates, antenna heights, and other technical parameters included on the license.*

All of them, except such minor variations as were reported to the Commission.

21. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment installed for the purpose of operation for the duration of the license term and any applicable renewal terms and where the equipment was capable of such operation.*

Each of the sites was so constructed.

22. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed at a site where Maritime had a lease or other site-use agreement with the site owner allowing operation for the duration of the license term and any applicable renewal terms, or where Maritime was the site owner or had the right to control the site.*

All of the sites, except those for which Maritime (or its predecessor) owned the site and/or tower.

23. *In the event you are unable to respond to any Interrogatory above or are unable to respond to any of the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations because of the loss or destruction of any documents, please identify those documents to the best of your ability and provide a complete explanation of the circumstances surrounding the loss or destruction of the documents.*

After acquisition of the AMTS assets by Maritime, many of the corporate and operational records of Mobex were placed by Mobex's David Predmore in archives with Nation's Capital Archives & Storage Systems, in Virginia. Some records were also stored by Mobex with a firm called Iron Mountain at facilities in Indiana. It is Maritime's understanding that the documents were destroyed when the storage fees fell into arrears.

It is possible that some of these documents might provide further details regarding some of the responses herein.

24. *Identify the definition of "constructed" you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations.*

Constructed means that the fixed station facilities were constructed substantially in accordance with the specific terms of the applicable authorization.

25. *Identify the definition of "operate" and/or "operating" and/or "operation" and/or "in operation" you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For the Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations.*

This means that the system as constructed is fully operational, allowing two-way communications by mobile units, including PSTN interconnection were required.

Respectfully Submitted,



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Land Mobile, LLC

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Telephone: 202.656.8490
Facsimile: 202.223.2121

Law Offices of Robert J. Keller, P.C.
PO Box 33428
Washington, D.C. 20033

Dated: February 6, 2012

Table 1

HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
1	WQGF315	07-Sep-05	29-Dec-16	N/A	N/A	N/A
2	WQGF316	07-Sep-05	29-Dec-16	N/A	N/A	N/A
3	WQGF317	07-Sep-05	29-Dec-16	N/A	N/A	N/A
4	WQGF318	07-Sep-05	29-Dec-16	N/A	N/A	N/A
5	KA98265	?	07-Aug-12	0000982201	06-Aug-02	?
6	KAE889	07-Sep-12	07-Sep-14	0001768691	28-Dec-04	N/A
7	KCE278	15-Jul-99	14-Jul-13	0001370847	28-Dec-04	N/A
8	KPB531	15-Jul-99	14-Jul-13	0001370848	28-Dec-04	N/A
9	KUF732	15-Jul-99	14-Jul-13	0001370850	28-Dec-04	N/A
10	WFN	?	13-May-13	0001264766	27-May-03	?
11	WHG693	1991 or earlier?	10-Dec-12	0001082495	02-Jul-03	R998766
12	WHG701	1991 or earlier?	10-Dec-12	0001082496	02-Jul-03	R998720
13	WHG702	1991 or earlier?	10-Dec-12	0001082497	02-Jul-03	R998765
14	WHG703	1991 or earlier?	10-Dec-12	0001082498	02-Jul-03	R998764
15	WHG705	1991 or earlier?	10-Dec-12	0001082499	02-Jul-03	R998763
16	WHG706	1991 or earlier?	10-Dec-12	0001082500	02-Jul-03	R998762
17	WHG707	1991 or earlier?	10-Dec-12	0001082501	02-Jul-03	R998761
18	WHG708	1991 or earlier?	10-Dec-12	0001082502	02-Jul-03	R998719
19	WHG709	1991 or earlier?	10-Dec-12	0001082503	02-Jul-03	R998760
20	WHG710	1991 or earlier?	10-Dec-12	0001082504	02-Jul-03	R998759
21	WHG711	1991 or earlier?	10-Dec-12	0001082505	02-Jul-03	R998758
22	WHG712	1991 or earlier?	10-Dec-12	0001082506	02-Jul-03	R998757
23	WHG713	1991 or earlier?	10-Dec-12	0001082507	02-Jul-03	R998756
24	WHG714	1991 or earlier?	10-Dec-12	0001082508	02-Jul-03	R998755
25	WHG715	1991 or earlier?	10-Dec-12	0001082509	02-Jul-03	R998718
26	WHG716	1991 or earlier?	10-Dec-12	0001082510	02-Jul-03	R998754
27	WHG717	1991 or earlier?	10-Dec-12	0001082511	02-Jul-03	R998753
28	WHG718	1991 or earlier?	10-Dec-12	0001082512	02-Jul-03	R998717
29	WHG719	1991 or earlier?	10-Dec-12	0001082513	02-Jul-03	R998752
30	WHG720	1991 or earlier?	10-Dec-12	0001082514	02-Jul-03	R998751
31	WHG721	1991 or earlier?	10-Dec-12	0001082515	02-Jul-03	R998750
32	WHG722	1991 or earlier?	10-Dec-12	0001082516	02-Jul-03	R998749
33	WHG723	1991 or earlier?	10-Dec-12	0001082517	02-Jul-03	R998748
34	WHG724	1991 or earlier?	10-Dec-12	0001082518	02-Jul-03	R998716
35	WHG725	1991 or earlier?	10-Dec-12	0001082519	02-Jul-03	R998747
36	WHG726	1991 or earlier?	10-Dec-12	0001082520	02-Jul-03	R998746
37	WHG727	1991 or earlier?	10-Dec-12	0001082521	02-Jul-03	R998745

Table 1 (continued)

HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
38	WHG728	1991 or earlier?	10-Dec-12	0001082522	02-Jul-03	R998744
39	WHG729	1991 or earlier?	10-Dec-12	0001082523	02-Jul-03	R998743
40	WHG730	1991 or earlier?	10-Dec-12	0001082524	02-Jul-03	R998715
41	WHG731	1991 or earlier?	10-Dec-12	0001082525	02-Jul-03	R998742
42	WHG732	1991 or earlier?	10-Dec-12	0001082526	02-Jul-03	R998741
43	WHG733	1991 or earlier?	10-Dec-12	0001082527	02-Jul-03	R998740
44	WHG734	1991 or earlier?	10-Dec-12	0001082528	02-Jul-03	R998714
45	WHG735	1991 or earlier?	10-Dec-12	0001082529	02-Jul-03	R998739
46	WHG736	1991 or earlier?	10-Dec-12	0001082530	02-Jul-03	R998738
47	WHG737	1991 or earlier?	10-Dec-12	0001082531	02-Jul-03	R998737
48	WHG738	1991 or earlier?	10-Dec-12	0001082532	02-Jul-03	R998736
49	WHG739	1991 or earlier?	10-Dec-12	0001082533	02-Jul-03	R998735
50	WHG740	1991 or earlier?	10-Dec-12	0001082534	02-Jul-03	R998713
51	WHG741	1991 or earlier?	10-Dec-12	0001082535	02-Jul-03	R998734
52	WHG742	1991 or earlier?	10-Dec-12	0001082536	02-Jul-03	R998733
53	WHG743	1991 or earlier?	10-Dec-12	0001082537	02-Jul-03	R998732
54	WHG744	1991 or earlier?	10-Dec-12	0001082538	02-Jul-03	R998731
55	WHG745	1991 or earlier?	10-Dec-12	0001082539	02-Jul-03	R998730
56	WHG746	1991 or earlier?	10-Dec-12	0001082540	02-Jul-03	R998712
57	WHG747	1991 or earlier?	10-Dec-12	0001082541	02-Jul-03	R998729
58	WHG748	1991 or earlier?	10-Dec-12	0001082542	02-Jul-03	R998728
59	WHG749	1991 or earlier?	10-Dec-12	0001082543	02-Jul-03	R998727
60	WHG750	1991 or earlier?	10-Dec-12	0001082544	02-Jul-03	R998726
61	WHG751	1991 or earlier?	10-Dec-12	0001082545	02-Jul-03	R998725
62	WHG752	1991 or earlier?	10-Dec-12	0001082546	02-Jul-03	R998724
63	WHG753	1991 or earlier?	10-Dec-12	0001082547	02-Jul-03	R998723
64	WHG754	1991 or earlier?	10-Dec-12	0001082548	02-Jul-03	R998722
65	WHV733	?	08-Nov-15	0002363519	30-Jan-07	?
66	WHV740	?	08-Nov-15	0002363520	30-Jan-07	?
67	WHV843	?	08-Nov-15	0002363521	30-Jan-07	?
68	WHW848	?	16-Jun-14	0001768693	11-Jun-04	?
69	WHX877	?	05-Jan-15	0001989848	31-Dec-04	?
70	WRD580	?	23-Sep-13	0001370851	05-Sep-03	?
71	WRV374	30-Nov-98	30-May-11*	0000443747	02-Jul-01	N/A

* current renewal pending, File No. 0004738157

Table 2

Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
KAE889	3	23-Feb-99	22-Feb-01	36403	CAMAS	CLARK	WA
	4	23-Feb-99	22-Feb-01	36448	RAINIER	THURSTON	WA
	6	23-Feb-99	22-Feb-01	36392	SALEM	MARION	OR
	8			36309	BAKERSFIELD	KERN	CA
	12			36551	PHOENIX	JACKSON	OR
	13	23-Feb-99	22-Feb-01	36392	PORTLAND	MULTNOMAH	OR
	14			35852	CORONA	ORANGE	CA
	20			36385	ORCAS ISLAND	SAN JUAN	WA
	22	23-Feb-99	22-Feb-01	36423	EUGENE	LANE	OR
	26			36483	SALINAS	MONTEREY	CA
	27			36245	SAN RAFAEL	MARIN	CA
	28			36245	WALNUT CREEK	CONTRA COSTA	CA
	30			36385	BREMERTON	JEFFERSON	WA
	33			36245	LOS GATOS	SANTA CLARA	CA
	34	14-Jul-99	13-Jul-01	36433	OLYMPIA	THURSTON	WA
	37			36431	MODESTO	STANISLAUS	CA
	39			36482	COALINGA	FRESNO	CA
	40			36306	PINE VALLEY	SAN DIEGO	CA
	44			36308	PALMDALE	LOS ANGELES	CA
	46			36402	WOODBURN	MARION	OR
	48			36432	SEATTLE	KING	WA
KCE278	1	15-Jul-99	14-Jul-01		CHARLEVOIX	CHARLEVOIX	MI
	2	15-Jul-99	14-Jul-01		ROGERS CITY	PRESQUE ISLE	MI
KPB531	1	15-Jul-99	14-Jul-01		MUSKEGON	MUSKEGON	MI
	2	15-Jul-99	14-Jul-01		MICHIGAN CITY	LA PORTE	IN
	3	15-Jul-99	14-Jul-01		KENOSHA	KENOSHA	WI
	4	15-Jul-99	14-Jul-01	13-Jul-01	MILWAUKEE	MILWAUKEE	WI
	5	26-May-00	26-May-02		LAKE ZURICH	LAKE	IL
KUF732	1	15-Jul-99	14-Jul-01		ROCHESTER	MONROE	NY
	2	24-Aug-99	23-Aug-01		SYRACUSE	ONONDAGA	NY
	3	15-Jul-99	14-Jul-01		TOLEDO	OTTAWA	OH
	4	15-Jul-99	14-Jul-01		DETROIT	WAYNE	MI
	5	15-Jul-99	14-Jul-01		BUFFALO	ERIE	NY
	6	15-Jul-99	14-Jul-01		ERIE	ERIE	PA
	7	15-Jul-99	14-Jul-01		CLEVELAND	CUYAHOGA	OH

Table 2 (continued)

Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
WHG693	1				VENICE	PLAQUEMINE S	LA
WHG701	1				SANTA ROSA BEACH	WALTON	FL
WHG702	1				THEODORE	MOBILE	AL
WHG703	1				DELISLE	HARRISON	MS
WHG705	1				AMELIA	ASSUMPTION	LA
WHG706	1				INTRACOASTAL CITY	VERMILION	LA
WHG707	1				PORT ARTHUR	JEFFERSON	TX
WHG708	1				DICKINSON	GALVESTON	TX
WHG709	1				BAY CITY	MATAGORDA	TX
WHG710	1				ARANSAS PASS	SAN PATRICIO	TX
WHG711	1				RIVIERA	KLEBERG	TX
WHG712	1				JEFFERSON HEIGHTS	JEFFERSON	LA
WHG713	1				CARVILLE	IBERVILLE	LA
WHG714	1				REDWOOD	WARREN	MS
WHG715	1				WAYSIDE	WASHINGTON	MS
WHG716	1				LAKE CORMORANT	DESOTO	MS
WHG717	1				SAMBURG	OBION	TN
WHG718	1				ALTO PASS	UNION	IL
WHG719	1				MADONNAVILLE	MONROE	IL
WHG720	1				GRAFTON	JERSEY	IL
WHG721	1				SAVERTON	RALLS	M O
WHG722	1				ADRIAN	HANCOCK	IL
WHG723	1				REYNOLDS	ROCK ISLAND	IL
WHG724	1				MILES	JACKSON	IA
WHG725	1				SHERRILL	DUBUQUE	IA
WHG726	1				MIDWAY	MASSAC	IL
WHG727	1				HEBBARDSVILLE	HENDERSON	KY
WHG728	1				ELIZABETH	FLOYD	IN
WHG729	1				BEDFORD	TRIMBLE	KY
WHG730	1				INDEPENDENCE	KENTON	KY
WHG731	1				FAIRVIEW	ADAMS	OH
WHG732	1				LETITIA	GREENUP	KY
WHG733	1				GREASY RIDGE	LAWRENCE	OH
WHG734	1				MEREDOSIA	MORGAN	IL
WHG735	1				HANNA CITY	PEORIA	IL